

REMARKS

The last Office Action of June 9, 2009 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 2, 4, 8, 11-16, 38, 45-46 are pending in the application. Claims 1, 8, 13 have been amended. No claims have been canceled or added. No amendments to the specification have been made. No fee is due.

The amendments to claims 1, 8, 13 are appropriate under the standards established pursuant to 37 C.F.R. §1.116. More specifically, claim 1 has been amended to better reflect the description in paragraph [0053] of the instant specification and to remove an ambiguity caused by the use of the term "received in" because the d.c. motor is in fact surrounded by the motor casing and thus cannot be received in the housing. Claim 8 has been amended for clerical reasons. Claim 13 has been amended to address the 112, 2nd para. rejection. Support for the amendments to claim 13 can be found in paragraph [0020] of the instant specification.

Record is also made of a telephone interview between applicant's representative and the Examiner which took place on August 6, 2009. The Examiner is thanked for her help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview the present application was extensively discussed, and the Examiner agreed to enter the amendments to claims 1, 18, 13, as discussed *supra*. The Examiner also agreed at the interview to make the next Office Action "non-final", in the event the Examiner maintains a rejection or objection.

OBJECTION TO THE DRAWING

At the interview, the Examiner maintained her objection to the drawings, as outlined in the Office Action of June 9, 2009.

Applicant respectfully contends that the submission of Figs. 6a, 6b filed with

applicant's previous response do not add ant new matter or any details that were not already disclosed in the original disclosure.

Fig. 6a merely represents an enlarged view of an area encircled in original Fig. 6. Nothing is shown in Fig. 6a which is not illustrated in Fig. 6. There are no details in Fig. 6a that have not been shown in Fig. 6. Therefore, it is applicant's belief that Fig. 6a should be approved.

Fig. 6b depicts the presence of a single tooth, as set forth in original claim 13 and described in paragraphs [0018] and [0065] of the instant specification. The configuration of the single locking tooth is in substantial agreement with the individual teeth of the radial tooth system 33 and thus has a flat flank and a steep flank. This is what is shown in Fig. 6b.

Fig. 6b had previously been submitted to address the drawing objection raised in this regard in the Office Action of September 9, 2008 and relating to a showing of the "one locking tooth". While applicant in response to that Office Action submitted Fig. 6b, it is also applicant's contention that the submission of such a drawing is not necessary for the understanding of the invention. It is well established that drawings are required only where necessary for the understanding of the subject matter sought to be patented. In fact, specification and drawings should not be viewed separately from one another. In other words, the subject matter of the invention may be partly in writing and partly in drawing, so long as an artisan is able to ascertain the invention claimed. In the case at hand, the original drawings together with the specification are sufficient for an artisan to understand the subject matter of claim 13.

Withdrawal of the objection to the drawing is thus respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. §112, SECOND PARAGRAPH

Claim 13 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claim 13 to address the §112 rejection, as noted *supra*. These changes are self-explanatory and cosmetic in nature and should not be

considered as a narrowing amendment to trigger prosecution history estoppel.

Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is thus respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. §103

Claims 1, 2, 4, 8, 11-14, 38, 45, 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 2,424,492 to Morris in view of Franksson, of record.

Claims 15, 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morris and Franksson in view of Mounier, of record.

At the interview, applicant submitted that the applied prior art fails to disclose the positional relationship between the attachment element and the motor casing at a right angle. In addition, applicant noted that the Examiner's rejection is confusing and allows applicant only to speculate as to the portions of each reference relied upon and why those references would contain a teaching, suggestion, reason, motivation or incentive leading to the claimed invention. The Examiner clearly failed to comply with the practice set forth in §706.02(j) of the Manual of Patent Examining Procedure which contains a discussion of what an Examiner should set forth in an Office Action under 35 U.S.C. §103(a). An analysis under 35 U.S.C. §103(a) "should be made explicit" and "it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 2007 WL 1237834, [82 USPQ2d 1385] (2007). (2007). Accordingly, the Examiner is requested to indicate to applicant which specific portions (page and line or figure) of each of the references the Examiner refers to base her rejection on. *Ex parte Gambogi*, 62 USPQ2d, 1209 (Board of Patent Appeals and Interferences), *Ex parte Jones*, 62 USPQ2d, 1206 (Board of Patent Appeals and Interferences). See also 83USPQ2d, 1376.

It is also noted that the Examiner did not appear to provide any particular reasons for rejection of for example claims 8, 11-14, 45-46, and these claims are

ostensibly rejected as generally being unpatentable over Morris and Franksson. Therefore, applicant has no opportunity to respond. If the Examiner maintains the rejection of any claims in a subsequent Office action, it was agreed at the interview, as noted *supra* that such rejection be non-final, to allow applicant an opportunity to properly respond.

Withdrawal of the rejection under 35 U.S.C. §103(a) is thus respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate conditions for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

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